

**MINUTES
ZONING BOARD OF ADJUSTMENT
APRIL 20, 2010**

1. CALL TO ORDER – Behrens called the meeting to order at 4:02 p.m.

2. ROLL CALL

Members Present: Behrens, Gardner and Mescher
Absent: Andrews and Garst
Staff: Malmquist, Sall and Wade

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

Motion by Mescher, second by Gardner to adopt the agenda as printed. Motion carried by unanimous voice vote.

5. APPROVAL – MINUTES OF MARCH 16, 2010 MEETING

Motion by Mescher, second by Gardner to approve the minutes as written. Motion carried by unanimous voice vote.

6. PROOF OF PUBLICATION – Sall

7. REVIEW OF MEETING PROCEDURES – Behrens

8. PUBLIC HEARINGS

A. CASE #BA-10-001: Public hearing on the request of 1782 Irish Land, LLC for a variance from §15.32.080 (06) Signs in the Corridor Design Overlay of the Municipal Code (Zoning Ordinance) in order to reface the existing sign at 20 North 16th Street (Lots 1 and 2, except State, Block 17, Beers Subdivision).

Bill McGinn, 25 Main Place, Council Bluffs, IA 51503, said their office is relocating to 20 North 16th Street and they want to reface the existing pole sign. The property, which has not be abandoned, was previously known as Iowa Riggers Loft. He said the existing sign has good visibility and is consistent with other pole signs in the area. He said one of the problems with a monument sign is that it would be susceptible to vandalism. The existing message board would be removed and the new face would be simple and tasteful.

Rob Tomanek, Neon Products Company, Inc., 4713 'F' Street, Omaha, NE 68117, said that if this property were located just to the north they would not be within the CDO District and the variance would not be needed.

Mescher said she feels that allowing the applicant to reface the sign would not confer a special privilege and that lowering the sign would be a hardship to the community.

Behrens said the requirement in the CDO District is not unreasonable and that the applicant has to prove a hardship. This is a design preference and cost issue. She said that other businesses on this corner, who's signage was in place before the Ordinance was adopted, would have to comply with the regulations for future signage.

Malmquist said that no pole signs are allowed in the CDO District, only monument signs. Others within this district will have to comply if they want to replace their signage.

Behrens said that granting this variance would set a precedent for future variance requests. She then asked if the sign needs to be smaller. Malmquist said the size is fine but that the height does not comply.

Mescher said she feels traffic in the area will have a hard time seeing the sign if it is lowered.

Gardner said he can't see how the Board could give the applicant an exception to what is required.

Motion by Gardner, second by Behrens, to deny the applicants request for a variance at 20 North 16th Street.

VOTE: AYE – Behrens and Gardner. NAY – Mescher. ABSTAIN – None. ABSENT – Andrews and Garst. Motion failed.

Motion by Mescher to approve the applicants request for a variance at 20 North 16th Street. Motion failed due to lack of a second.

9. OTHER BUSINESS

- A. Annual Report – Received and filed.
- B. Other items of interest - Discussion of outdoor patios at nonconforming taverns.

10. ADJOURNMENT – Behrens adjourned the meeting at 4:33 p.m.